

Remarks/Arguments:

Claims 1, 2, 4-7, 9 and 14-16 are pending and stand rejected. In this Response, claim 1 is amended. No new matter is introduced by these amendments. Accordingly, claims 1-2, 4-7, 9 and 14-16 are presented for reconsideration.

Rejections Under 35 U.S.C. § 112

Claims 1-2, 4-7, 9 and 14-16 are rejected as being indefinite. Claim 1 has been appropriately amended to overcome the rejection. Claims 2, 4-7, 9 and 14-16 are rejected based on their dependency on claim 1. Applicant respectfully requests, therefore, that the rejection of claims 1-2, 4-7, 9 and 14-16 be withdrawn.

Rejections Under 35 U.S.C. § 102

The Office Action sets forth at page 3 "Claims 1-2, 4-7, 9 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Oh (WO 00/35308)." Applicant respectfully submits that this rejection is overcome by the amendments to the claims for the reasons set forth below.

Applicant's invention as recited in claim 1 includes features not disclosed or suggested by Oh, namely:

... an opening with a first edge and a second edge which are juxtaposed and each of the first and second edges carries a respective plurality of lacing eyes ...

... at least a first lace and a second lace extending through respective pairs of the lacing eyes ...

... the first and the second laces are led through alternating lacing eyes of the respective pluralities of lacing eyes in a manner such that:

between two consecutive lacing eyes of the first edge through which the first lace extends, there is at least one lacing eye of the first edge through which the second lace extends;

between two consecutive lacing eyes of the second edge through which the first lace extends, there is at least one lacing eye of the second edge through which the second lace extends;

between two consecutive lacing eyes of the first edge through which the second lace extends, there is at least one lacing eye of the first edge through which the first lace extends;

between the two consecutive lacing eyes of the second edge through which the second lace extends, there is at least one lacing eye of the second edge through which the first lace extends;

and such that:

between two consecutive lacing eyes of the first edge through

which the first lace extends, the first lace extends through only one lacing eye of the second edge;

between two consecutive lacing eyes of the second edge through which the first lace extends, the first lace extends through only one lacing eye of the first edge;

between two consecutive lacing eyes of the first edge through which the second lace extends, the second lace extends through only one lacing eye of the second edge;

between two consecutive lacing eyes of the second edge through which the second lace extends, the second lace extends through only one lacing eye of the first edge;

the first lace crossing between two consecutive lacing eyes of the first edge through which it extends and between two consecutive lacing eyes of the second edge through which it extends, and the second lace crossing between two consecutive lacing eyes of the first edge through which it extends and between two consecutive lacing eyes of the second edge through which it extends;

and wherein the ends of both of the first and second laces converge on both of the first and second edges of the opening, with at least one end of first and second laces extending through a respective end lacing eye of the fastening provided on each of the first and second edges.

Oh is relied upon as “[disclosing] footwear with a lace fastening having ... Two laces (5a, 5b) extend[ing] through the lacing eyes such that ... there is at least one lacing eye of the same edge through which a second lace extends.” Applicant respectfully disagrees with the overly broad interpretation of Oh. Specifically, it is apparent from Oh that only one continuous lace is provided having several strands. In order to expedite prosecution, however, applicant has amended independent claim 1 to further distinguish over the cited prior art.

It is respectfully submitted that Oh does not disclose a lacing arrangement where the laces are led through the lacing eyes as provided in amended claim 1. Specifically, Oh fails to disclose or suggest that the first lace and the second lace are led through the lacing eye of the first and second edge of the footwear opening according to the claimed pattern.

It is because Applicant includes the features of i) at least a first lace and a second lace extending through respective pairs of the lacing eyes, ii) the first and the second laces are led through alternating lacing eyes of the respective pluralities of lacing eyes in a manner such that a) between two consecutive lacing eyes of the first edge through which the first lace extends, there is at least one lacing eye of the first edge through which the second lace extends; b) between two consecutive lacing eyes of the second edge through which the first lace extends, there is at least one lacing eye of the second

edge through which the second lace extends; c) between two consecutive lacing eyes of the first edge through which the second lace extends, there is at least one lacing eye of the first edge through which the first lace extends; d) between the two consecutive lacing eyes of the second edge through which the second lace extends, there is at least one lacing eye of the second edge through which the first lace extends, iii) such that a) between two consecutive lacing eyes of the first edge through which the first lace extends, the first lace extends through only one lacing eye of the second edge; b) between two consecutive lacing eyes of the second edge through which the first lace extends, the first lace extends through only one lacing eye of the first edge; c) between two consecutive lacing eyes of the first edge through which the second lace extends, the second lace extends through only one lacing eye of the second edge; d) between two consecutive lacing eyes of the second edge through which the second lace extends, the second lace extends through only one lacing eye of the first edge, and iv) the first lace crossing between two consecutive lacing eyes of the first edge through which it extends and between two consecutive lacing eyes of the second edge through which it extends, and the second lace crossing between two consecutive lacing eyes of the first edge through which it extends and between two consecutive lacing eyes of the second edge through which it extends, that a homogeneous closure for the foot along the entire extent of the edges of the access opening can be achieved.

Oh does not achieve this advantage because Oh does not disclose or suggest the above-identified features. On the contrary, no regular scheme can be found in the lace fastening disclosed in Oh. More particularly, the claimed path according to which the first and the second laces are led through the lacing eyes of the first and second edge of the footwear opening is not anticipated by Oh.

Accordingly, Applicant submits that claim 1 is not subject to rejection under 35 U.S.C. §102(b) as being anticipated by Oh. Withdrawal of the rejection and allowance of claim 1 is respectfully requested.

Claims 2, 4-7, 9 and 14-16 depend upon claim 1 and, thus, are likewise not subject to rejection for at least the reasons set forth above with respect to claim 1.

Rejections Under 35 U.S.C. § 103

The Office Action sets forth at page 3 "Claims 1 and 4 are rejected under 35 U.S.C. 103(b) as being unpatentable over Rathmell (US 3,837,098)." Applicant respectfully submits that this rejection is overcome by the amendments to the claims for the reasons set forth below.

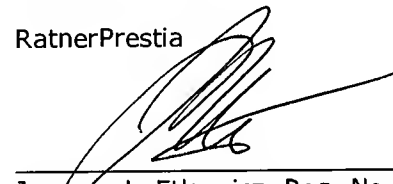
Rathmell is relied upon as "[disclosing] footwear with a lace fastening having an opening with first and second edges and a plurality of closed-type lacing eyes." The Office readily admits "Rathmell does not specifically disclose the laces converging on the edges of the opening ..." but concludes that this feature would be obvious. Applicant respectfully submits that Rathmell is also deficient regarding the features of amended claim 1 with respect to how the laces are led through the lacing eyes. Accordingly, applicant respectfully submits that claim 1, as amended, is not obvious in view of Rathmell. Applicant respectfully requests, therefore, that the rejection of claim 1 be withdrawn and the claim allowed.

Claim 4 depends upon claim 1 and, thus, is likewise not subject to rejection for at least the reasons set forth above with respect to claim 1.

In view of the amendments and remarks set forth above, applicant submits that the above-identified application is in condition for allowance which action is respectfully requested.

Respectfully submitted,

RatnerPrestia



Jacques L. Etkowicz, Reg. No. 41,738
Attorney for Applicant

JLE/kpc

Dated: June 29, 2010

P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

The Director is hereby authorized to charge or credit Deposit Account No. **18-0350** for any additional fees, or any underpayment or credit for overpayment in connection herewith.